

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$27,000.00 IN U.S. CURRENCY,	§	
Defendant in rem	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against approximately \$27,000.00 in United States currency, Defendant in rem, and alleges the following.

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 31 U.S.C. §5317(c)(2).

Defendant in Rem

2. Defendant in rem is approximately \$27,000.00 in United States currency that was seized from Francisco Morales and Wendy Martinez on September 30, 2009, at the George Bush Intercontinental Airport in Houston, Texas.

Jurisdiction and Venue

3. This Court has jurisdiction under 28 U.S.C. §1355 because this is an action for forfeiture.

4. Venue is proper in this Court under 28 U.S.C. §§ 1355 and 1395(a) and (b) because:

- a. the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas;
- b. the property was found in the Southern District of Texas; and
- c. this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendant in rem is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) which provides that any property involved in violations of 31 U.S.C. §§ 5316 and 5324(c) may be forfeited to the United States. These statutes state in pertinent part that:

- 1) a person shall file a report when the person knowingly transports, is about to transport, or has transported a monetary instrument of more than \$10,000 out of the United States. 31 U.S.C. § 5316(a)(1)(A);
- 2) no person shall, for the purpose of evading the reporting requirements of 31 U.S.C. § 5316, fail to file a report required by 31 U.S.C. § 5316. 31 U.S.C. § 5324(c)(1);
- 3) no person shall, for the purpose of evading the reporting requirements of 31 U.S.C. § 5316, file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact. 31

U.S.C. § 5324(c)(2).

Facts

6. On September 30, 2009, Francisco Morales and Wendy Martinez, husband and wife, were about to leave the United States aboard Continental Airline flight number 1499 to San Jose, Costa Rica, at the George Bush Intercontinental Airport in Houston, Texas. In the jetway for this flight, a United States Customs and Border Protection Officer (CBP Officer) conducted a Customs outbound inspection. The CBP Officer asked Francisco Morales and Wendy Martinez if they were transporting more than \$10,000 in cash or monetary instruments for themselves or others. Mr. Morales stated that he was transporting only \$900. Both Mr. Morales and Mrs. Martinez confirmed in writing that they were transporting only \$900.

7. A CBP Officer directed Francisco Morales and Wendy Martinez to an inspection table to verify the amount of money they were carrying. At the inspection table, a CBP Officer asked Francisco Morales and Wendy Martinez to place all of their currency on the table. Mr. Morales told the officer that he lied about the amount of money that he was carrying. Mr. Morales removed \$7,200 from his top short pocket. He also produced four envelopes which contained \$20,000.

8. CBP Officers searched Francisco Morales and Wendy Martinez' luggage and found an additional \$301. After counting all of the money that they were carrying, CBP Officers determined that Francisco Morales and Wendy Martinez were about to transport approximately \$27,501 out of the United States. CBP Officers returned \$501 to Francisco Morales and Wendy Martinez as humanitarian aid and the CBP Officers seized the \$27,000 for forfeiture.

Relief Requested

9. Plaintiff requests an arrest warrant and summons pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a judgment of forfeiture, and costs and other relief to which the Plaintiff may be entitled.

Dated: November 10, 2010.

Respectfully submitted,

José Angel Moreno
United States Attorney

By: /s/ Albert Ratliff
Albert Ratliff
Attorney-in-Charge
NY Bar No. 1073907
SDTX Bar No. 6764
Assistant United States Attorney
United States Attorney's Office
P. O. Box 61129
Houston, Texas 77208
E-mail: albert.ratliff@usdoj.gov

Office: (713) 567-9579
Fax: (713) 718-3300

Verification

I, Michael Telfer, Senior Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and the facts stated in this complaint are true and correct to the best of my knowledge and belief.

Executed on November 10, 2010.



Michael Telfer, Senior Special Agent
U. S. Immigration and Customs Enforcement